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8 Attorney for Defendant
9 EDUARDO ROSALES-LABRA

10
11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE EASTERN DISTRICT OF CALIFORNIA

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 vs.

16 EDUARDO ROSALES-LABRA

17 Defendant.

Case No. 1:20-CR-00030-NONE-SKO

**STIPULATION TO CONTINUE CHANGE OF
PLEA HEARING AND ORDER**

Hearing Date: September 18, 2020
Time: 8:30 a.m.
Judge: Hon. Dale A. Drozd

18 **TO: THE HONORABLE DALE A. DROZD, UNITED STATES DISTRICT**
19 **COURT JUDGE, EASTERN DISTRICT OF CALIFORNIA:**

20 IT IS HEREBY STIPULATED by and between the parties hereto, Defendant
21 EDUARDO ROSALES-LABRA, through his Attorney Michael W. Berdinella, and
22 Plaintiff UNITED STATES OF AMERICA, through Assistant United States Attorney
23 Laura D. Withers, to Continue the Change of Plea Hearing currently calendared for
24 September 18, 2020 at 8:30 a.m. to October 23, 2020 at 9:30 a.m.

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26 The Continuance is requested by Attorney Michael W. Berdinella for Defendant,
27 EDUARDO ROSALES-LABRA. Mr. ROSALES-LABRA has been housed in the Fresno
28 County Jail since January 31, 2020.

1 On June 30, 2020 Attorney Berdinella was informed that Mr. ROSALES-LABRA had
2 tested positive for COVID-19. In a ZOOM meeting from the Fresno County Jail with Mr.
3 ROSALES-LABRA on September 10, 2020, Mr. ROSALES-LABRA appeared ill and
4 lethargic. He stated he was having difficulty comprehending the information presented to
5 him regarding the Plea Agreement. It is the opinion of this Counsel that Mr. ROSALES-
6 LABRA is still suffering from the effects or after-effects of COVID-19, and does not
7 have the clarity or comprehension necessary to enter into or to sign the Plea Agreement at
8 this time. It is agreed between parties that Mr. ROSALES-LABRA should be granted
9 extra time to recover from this debilitating virus so that he may fully comprehend the
10 details and ramifications of the Plea Agreement.
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13 For the above reasons, it is so Stipulated to Continue the Change of Plea Hearing
14 calendared for September 18, 2020 at 8:30 a.m. to October 23, 2020 at 9:30 a.m. For the
15 purpose of computing time under the Speedy Trial act, 18 U.S.C. § 3161, et seq., within
16 which trial must commence, the time period of September 18, 2020 to October 23, 2020,
17 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local
18 Code T4] because it results from a continuance granted by the Court at defendant's
19 request on the basis of the Court's finding that the ends of justice served by taking such
20 action outweigh the best interest of the public and the defendant in a speedy trial.
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24 Dated: September 11, 2020

/s/ Michael W. Berdinella

Michael W. Berdinella
Attorney for Defendant
Eduardo Rosales-Labra

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2 Dated: September 11, 2020

/s/ Laura D. Withers

Laura D. Withers

Assistant United States Attorney

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8 **ORDER**

9 IT IS SO ORDERED to Continue this Change of Plea Hearing from September 18, 2020
10 at 8:30 a.m. to October 23, 2020 at 9:30 a.m.

11 IT IS SO ORDERED.

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13 Dated: September 11, 2020


UNITED STATES DISTRICT JUDGE